

MINUTES FOR THE REGULAR MEETING HELD BY THE BOARD OF TRUSTEES ON FRIDAY, JANUARY 17, 2020 AT 4:00 P.M.

PRESENT: Mayor Peter Sartorius, Trustees Randy Cardo and Jeanette Obser Village Attorney Richard DePetris and Village Clerk Aimee Buhl

ABSENT: Trustees Kimberley Payne and Ted Necarsulmer

OTHERS PRESENT: Police Chief Chris Isola, Fire Chief Ben Hubbard, Dick Gardner and Irwin Messer

Randy Cardo stated he would be presiding at the meeting because the Mayor was not feeling well.

Randy Cardo invited everyone to join him in the Pledge of Allegiance.

Upon motion made by Jeanette Obser, seconded by Mayor Sartorius and unanimously carried, the Minutes of Regular Meeting held on December 20, 2019 were approved.

Upon motion made by Randy Cardo seconded by Jeanette Obser and unanimously carried, the Abstract of Audited Vouchers Schedule 1-20, \$196,218.93 and Treasurer's Report for the Month ending December 31, 2019 were approved.

\$ 330,920.55	Checking Account
\$ 1,102,544.03	Capital Reserves
<u>\$ 8,842,351.11</u>	<u>Investments</u>
\$10,275,815.69	Total General Fund 12/31/19

The Clerk gave the report for December 2019 Fire and Burglar Alarms:

Fire Billed: \$550 Fire Collected: \$650  
Burglar Billed: \$975; Burglar Collected: \$175

Fire Chief Ben Hubbard gave the December 2019 report for the Fire Department. Police Chief Chris Isola gave the December 2019 report for the Police Department. Building Inspector Bill Nowak was absent from the meeting.

Upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the General Village Election of the Village of Quogue, New York will be held on Friday, June 19, 2020. The polling place for the 2020 General Village Election shall be at the Quogue Firehouse, Jessup Avenue, Quogue, New York. The polls shall open at 12:00 noon and close at 9:00 p.m. prevailing time and the offices to be filled at said General Village Election and the terms thereof are as follows:

Mayor- one (1) for the term of two (2) years  
Trustees – two (2) for the term of two (2) years

Upon motion made by Jeanette Obser, seconded by Mayor Sartorius and unanimously carried, it was RESOLVED, the certified amount of unpaid Village taxes for the fiscal year 2019-2020 submitted by the Treasurer of the Village of Quogue, and as provided in Section 1454 of the Real Property Tax Law of the State of New York, has been compared with the original tax roll and has been found to be correct and the amount of unpaid taxes is \$23,651.60 (see listing attached)

and further that the unpaid village taxes for such fiscal year will be sold by Public Tax Sale at which sale certificates of tax liens for such unpaid taxes shall be properly sold with interest and advertising fee (\$25); such tax sale shall be held in the manner provided by law, at 9:15 A.M. on Tuesday, March 17, 2020 and notices of such tax sale to be published in the Southampton Press-Western Edition for three (3) consecutive weeks in issues dated 02/27/2020; 03/5/2020 and 03/12/2020 in accordance with statutory law.

Upon motion made by Trustee Jeanette Obser, seconded by Mayor Peter Sartorius and unanimously carried, it was RESOLVED, the certification from the Quogue Fire Department as to the members and points they received in 2019 under Quogue Fire Department Service Award Program Point System is accepted and the fire department is directed to post certification for 30 days as required by law and to resubmit with any changes.

Upon motion made by Jeanette Obser, seconded by Mayor Sartorius and unanimously carried, it was RESOLVED, Geoff P. Judge is appointed to the position of alternate member of the Zoning Board of Appeals.

Upon motion made by Mayor Sartorius, seconded by Jeanette Obser and unanimously carried, it was RESOLVED, the following purchase orders are increased:

15920 All Island Testing	\$69.25
15972 Barnwell House of Tires, Inc.	\$36.40

Upon motion made by Jeanette Obser, seconded by Mayor Sartorius and unanimously carried, it was RESOLVED, a transfer in the amount of \$8,000 from A3410120 Fire Department/Personal Services to A341016 Fire Department/ Facility Man Personal Service is approved.

Randy Cardo introduced “Local Law No. \_\_\_\_ of 2020 Authorizing A Property Tax Levy In Excess Of The Limit Established In General Municipal Law §3-c” and scheduled a public hearing to be held on Friday, February 21, 2020 at 4:00 P.M.

Local Law No. \_\_\_\_ of 2020

A Local Law Authorizing A Property  
Tax Levy In Excess Of The Limit Established  
In General Municipal Law §3-c

#### Section 1. Legislative Intent.

It is the intent of this local law to allow the Village of Quogue to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.

#### Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the tax levy limit

for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

### Section 3. Tax Levy Limit Override.

The Board of Trustees of the Village of Quogue is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2020 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

### Section 4. Repeal.

If the Board of Trustees of the Village of Quogue adopts a budget for the fiscal year commencing June 1, 2020 that does not require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c (to wit, if the authorization contained in Section 3 of this local law is not utilized), this local law may be repealed by resolution of the Village Board of Trustees (to wit, without a public hearing and without any further local law).

### Section 5. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### Section 6. Effective date.

This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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Randy Cardo opened the Public Hearing with respect to "Local Law No. \_\_\_\_\_ of 2020 A Local Law Relating To Village Tax Sales" as introduced at the Board of Trustees meeting held on Friday, December 20, 2019 at 4:00 P.M. Irwin Messer asked for clarification regarding the advantage of the law. Mayor Sartorius explained that the purchaser of the tax lien will collect 1% interest per month while the tax remains unpaid. Randy Cardo closed the Public Hearing. The question of enactment of said law as Local Law No. 1 of 2020 was duly put to a roll call vote with the following results:

Mayor Sartorius:	Voting Aye
Trustee Cardo:	Voting Aye
Trustee Obser:	Voting Aye

Local Law No. 1 of 2020

A Local Law Relating

## To Village Tax Sales

Section 1. Chapter 168 of the Village Code is hereby amended by adding a new Article VI to read as follows:

### Article VI Village Tax Sales

#### §168-29. Purpose.

In accordance with Article III of this Chapter, the collection of Village taxes continues to be enforced pursuant to Title 3 of Article 14 of the Real Property Tax Law, as in effect on December 31, 1994. Thus Village tax sales are conducted pursuant to §1454 of the Real Property Tax Law. The purpose of this Article VI is to empower the Village to bid for and purchase parcels of real property offered for sale at such tax sales.

#### §168-30. Powers of the Village.

A. The Village is empowered to bid for and purchase parcels of real property offered for sale at Village tax sales conducted pursuant to §1454 of the Real Property Tax Law.

B. The Village is empowered to bid for a parcel of real property offered for sale at such tax sale by bidding for the purchase of a 100% undivided interest in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel). The Village is also empowered to bid for a parcel of real property offered for sale at such tax sale by bidding for the purchase of a lesser undivided interest (an undivided interest of less than 100%) in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel). The foregoing powers shall be applicable to each parcel of real property offered for sale at such tax sale.

C. With respect to each parcel of real property offered for sale at such tax sale, the Village shall have the right to make the initial or opening bid. If the Village exercises such right, such initial or opening bid shall be a bid for the purchase of a 100% undivided interest in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel).

D. With respect to each parcel of real property offered for sale at such tax sale, the Village shall have the right to match the lowest bid made by any other bidder, the lowest bid made by any other bidder being the bid for the purchase of the smallest percentage of undivided interest (whether zero percent or some other percent) in such parcel for the amount due (the amount of the tax, interest and charges due on such parcel). If the Village exercises such right, the Village's matching bid shall be preferred and shall be deemed to be the ultimate successful bid.

#### §168-31. Implementation of Powers of the Village.

A. The Village Board of Trustees delegates to the Village Treasurer the power and authority to implement the powers of the Village set forth in §168-30, including the power and authority:

- (1) to bid on behalf of the Village for the purchase by the Village of parcels of real property offered for sale at Village tax sales conducted pursuant to §1454 of the Real Property Tax Law;
- (2) to bid on behalf of the Village for the purchase by the Village of a 100% undivided interest in a parcel for the amount due;
- (3) to bid on behalf of the Village for the purchase by the Village of a lesser undivided interest (an undivided interest of less than 100%) in a parcel for the amount due;
- (4) to match on behalf of the Village the lowest bid made by any other bidder;
- (5) with respect to each parcel of real property offered for sale at such tax sale, to decide whether to bid on behalf of the Village, to decide whether to bid on behalf of the Village for the purchase of a 100% undivided interest, to decide whether to bid on behalf of the Village for the purchase of a lesser undivided interest, and to decide whether to match on behalf of the Village the lowest bid made by any other bidder.

B. The Village Board of Trustees may from time to time by resolution amend the provisions of 168-31. Any such amendment may include a provision delegating the power and authority to implement the powers of the Village set forth in §168-30 to another Village official (an official other than the Village Treasurer). Any such amendment may include provisions providing direction with respect to implementing the powers of the Village set forth in §168-30.

Section 2. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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Randy Cardo opened the Public Hearing with respect to “Local Law No. \_\_\_\_\_ of 2020 A Local Law Amending Chapter 111 (Noise) of the Village Code in Relation to Restrictions on certain actions on Holidays” as introduced at the Board of Trustees meeting held on Friday, December 20, 2019 at 4:00 P.M. and explained the proposed law. There were no comments and Randy Cardo closed the Public Hearing.

Upon motion made by Randy Cardo, seconded by Mayor Sartorius and unanimously carried, it was RESOLVED, the Board of Trustees finds and determines that this proposed local law will not have a significant adverse impact on the environment. The question of enactment of said law as Local Law No .2 of 2020 was duly put to a roll call vote with the following results:

Mayor Sartorius:	Voting Aye
Trustee Cardo:	Voting Aye
Trustee Obser:	Voting Aye

A Local Law Amending Chapter 111  
(Noise) of the Village Code in Relation  
to Restrictions on certain actions on Holidays

Section 1. The Board of Trustees hereby finds and determines that clarification in Chapter 111 (Noise) of the Village Code with respect to restrictions on certain activities on holidays is desirable.

Section 2. Section 111-1 (Definitions) is amended by adding the following definition

**Holiday**

Means New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day and Christmas Day. If any such day falls on a Saturday or Sunday, the preceding Friday (in the case of a Saturday) or following Monday (in the case of a Sunday) shall also constitute a holiday.

Section 3. Section 111-4 (Violating Acts) is hereby amended as follows:

(a) Paragraph J (Construction or repair) is hereby amended by adding after the word "improvement" the words "on a Sunday or a holiday and".

(b) Paragraph M (Bulldozers or other earth moving machinery, pile drivers and pneumatic hammers) is hereby amended by adding after the word "operation" the following words: "on a Sunday or a holiday and".

(c) Paragraph O (Landscaping) is hereby amended by adding after the word "operation" the first time it appears in such paragraph the following words: "on a Sunday or a holiday and".

Section 4. Section 111-4.1B is amended by adding the words "or holiday" after the word "Sunday" both times it appears.

Section 5. Section 111-4.1C is hereby amended by adding the words "or holiday" after the word "Sunday" both times it appears.

Section 6. This local law shall become effective upon the filing thereof with the Secretary of State of the State of New York.

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With no other business to discuss and upon motion made by Randy Cardo, seconded by Jeanette Obser and unanimously carried, the meeting was adjourned at 4:13 P.M.

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Aimee Buhl, Village Clerk